

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

9 **ZAC PROPERTIES, LLC,**

10 **Plaintiff,**

11 **vs.**

12 **VAUGHN RHOADES, et al.,**

13 **Defendants.**

Case Nos.: 13-CV-2139-YGR
13-CV-2970-SBA

14 **ORDER RELATING CASES; ADOPTING
MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION; REMANDING CASE**

16 Two matters are now before the Court. The first is Magistrate Judge Maria-Elena James's
17 Sua Sponte Judicial Referral for Purpose of Determining Relationship of Cases, concerning *Zac
18 Properties, LLC v. Rhoades*, Case No. 13-cv-2139-YGR, and *Zac Properties, LLC v. Rhoades*, Case
19 No. 13-cv-2970-SBA¹ ("Referral"). The second is Magistrate Judge James's Report and
20 Recommendation ("Report") that the latter case be remanded to state court, where it was originally
21 filed as an unlawful detainer action.

22 With respect to the Referral, the Court determines that the subject cases are related pursuant
23 to Civil Local Rule 3-12(a). Cases are related if they "concern substantially the same parties,
24 property, transaction or event" and "[i]t appears likely that there will be an unduly burdensome

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¹ The latter-filed case originally came before Magistrate Judge James. A few weeks after Magistrate
27 Judge James issued her Referral and her Report, when neither party had consented (or declined) her
jurisdiction, the Clerk of the Court reassigned the case to an Article III judge, who then immediately
28 recused himself. (Dkt. Nos. 6, 7, 8.) The Clerk then reassigned the case once more, this time to the
Honorable Saundra Brown Armstrong (Dkt. No. 9), whose initials the case now bears.

1 duplication of labor and expense or conflicting results if the cases are conducted before different
2 Judges.” Civ. L.R. 3-12(a). Here, the parties and the property at the center of the case—real
3 property located on Wentworth Place in Newark, California—are identical. Undue duplication of
4 labor would result if this case were now to be assigned to a different Judge, this Judge having
5 become familiar with the relevant record. Accordingly, the two cases are hereby **RELATED**.

6 The Court turns next to the Report. Magistrate Judge James recommends that the higher-
7 numbered action then assigned to her be remanded to Alameda County Superior Court. (Case No.
8 13-cv-2970, Dkt. No. 3.) No party has filed an objection to the Report, and the time to object to the
9 Report, which issued September 30, 2013, has elapsed. *See* Fed. R. Civ. P. 72(b)(2) (14 days to
10 object), Fed. R. Civ. P. 6(d) (additional three days where service is by mail). The Court finds the
11 Report correct, well-reasoned, and thorough, and adopts it in every respect. Accordingly, and for the
12 reasons set forth in the Report, Case No. 13-cv-2970 is hereby **REMANDED** to Alameda County
13 Superior Court.

14 This Order relates Case Nos. 13-cv-2139 and 13-cv-2970, terminates Docket No. 3 in Case
15 No. 13-cv-2970, and remands Case No. 13-cv-2970.

16 **IT IS SO ORDERED.**

17 Date: October 23, 2013

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19 YVONNE GONZALEZ ROGERS
20 UNITED STATES DISTRICT COURT JUDGE

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